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DT17 Rec'd PCT/PTO 27 SEP 2004

FORM PTO-1390
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

NAA-OGA-P40

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/509776

INTERNATIONAL APPLICATION NO.

PCT/JP02/11574

INTERNATIONAL FILING DATE

06 Nov 2002

PRIORITY DATE CLAIMED

03 April 2002

TITLE OF INVENTION

EXERCISE ASSISTING INSTRUMENT

APPLICANT(S) FOR DO/EO/US

OGA, Takayuki

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau). Title page only
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 PCT Notification of Receipt of Record Copy
 PCT Notice of Communication ... to the Designated Offices
 PCT Notice Concerning Elected Offices
 PCT International Search Report

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15750 U.S. PTO

U.S. APPLICATION NO. (if known, see 37 CFR 1.55)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER																																																																																					
10/509776		PCT/JP02/11574		NAA-OGA-P40																																																																																					
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 ===== International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). <table><tr><td>CLAIMS</td><td>NUMBER FILED</td><td>NUMBER EXTRA</td><td>RATE</td><td>\$</td><td></td></tr><tr><td>Total claims</td><td>18</td><td>20</td><td>=</td><td>x</td><td>\$18.00</td></tr><tr><td>after Prel. Amdt.</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Independent claims</td><td>1</td><td>3</td><td>=</td><td>x</td><td>\$86.00</td></tr><tr><td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td><td>+</td><td>\$290.00</td><td></td></tr><tr><td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td><td>\$</td><td>920.00</td></tr><tr><td colspan="4"><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</td><td>\$</td><td>460.00</td></tr><tr><td colspan="4">SUBTOTAL =</td><td>\$</td><td>460.00</td></tr><tr><td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td><td>\$</td><td></td></tr><tr><td colspan="4">TOTAL NATIONAL FEE =</td><td>\$</td><td>460.00</td></tr><tr><td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</td><td>\$</td><td></td></tr><tr><td colspan="4">TOTAL FEES ENCLOSED =</td><td>\$</td><td>460.00</td></tr><tr><td colspan="4"></td><td>Amount to be refunded:</td><td>\$</td></tr><tr><td colspan="4"></td><td>charged:</td><td>\$</td></tr></table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		Total claims	18	20	=	x	\$18.00	after Prel. Amdt.						Independent claims	1	3	=	x	\$86.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$290.00		TOTAL OF ABOVE CALCULATIONS =				\$	920.00	<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	460.00	SUBTOTAL =				\$	460.00	Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$		TOTAL NATIONAL FEE =				\$	460.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$		TOTAL FEES ENCLOSED =				\$	460.00					Amount to be refunded:	\$					charged:	\$	CALCULATIONS PTO USE ONLY	
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a. ☒ A check in the amount of \$ 460.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

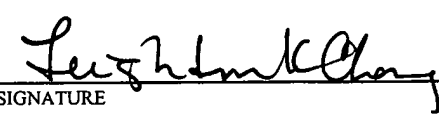
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 502633. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Leighton K. Chong
OSTRAGER CHONG & FLAHERTY (HAWAII)
841 Bishop Street, Suite 1200
Honolulu, HI 96813-3908


SIGNATURE

Leighton K. Chong
NAME

27,621
REGISTRATION NUMBER